

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MELVIN J. COLLINS,

Plaintiff,

v.

DR. SANCHEZ, *et al.*,

Defendants.

3:08-CV-114-RCJ(RAM)

ORDER

Before the Court is Plaintiff's Objection to Magistrate Judge's Report and Recommendation (#56) filed on November 16, 2009. This action was referred to U.S. Magistrate Valerie P. Cooke, pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4. The Magistrate Judge submitted her Report and Recommendation (#54) on November 5, 2009, recommending that this Court enter an order granting Defendants' Motion for Summary Judgment (#44) and denying as moot Plaintiff's Motion for Summary Judgment (#26). Defendants' filed their Reply to Plaintiff's Objections to Report and Recommendation of U.S. Magistrate Judge (#59) on January 20, 2010.

I. ANALYSIS

A. Review of Magistrate Judge's Order

Pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 3-2, a party may file specific written objections to the findings and recommendations of a magistrate judge made pursuant to LR IB 1-4. The district court must make a *de novo* determination of those portions of the magistrate judge's report to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. LR IB 3-

1 2(b). *De novo* review means the court must consider the matter anew, the same as if it had
2 not been heard before and as if no decision previously had been rendered. Ness v.
3 Commissioner, 954 F.2d 1495, 1497 (9th Cir. 1992). Thus, although the district court need
4 not hold a *de novo* hearing, the court's obligation is to arrive at its own independent
5 conclusion about those portions of the magistrate judge's findings or recommendation to which
6 objections are made. United States v. Remsing, 874 F.2d 614, 617 (9th Cir. 1989).

7 After conducting a *de novo* review of the record, the Court accepts and adopts the
8 Magistrate Judge's Report and Recommendation (#54).

9 **III. CONCLUSION**

10 IT IS HEREBY ORDERED that Plaintiff's Objection to Magistrate Judge's Report and
11 Recommendation (#56) is DENIED.

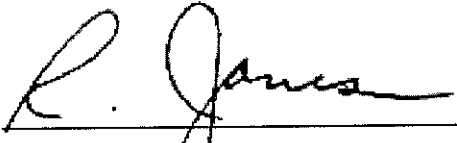
12 IT IS FURTHER ORDERED that Defendants' Motion For Summary Judgment (#44) is
13 GRANTED.

14 IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (#26) is
15 DENIED as MOOT.

16 The Clerk of the Court shall enter judgment accordingly.

17 IT IS SO ORDERED.

18 DATED: This 26 day of January, 2010.

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21 Robert C. Jones
22 UNITED STATES DISTRICT JUDGE
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